

Notice of Allowability

Application No.

10/027,330

Examiner

Tuan V. Thai

Applicant(s)

COATNEY ET AL.

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 06/02/2006.
2. ☒ The allowed claim(s) is/are 2-4, 7-8, 10-16, 37-45 and 51-56 renumbered as 2-4, 1, 5, 9-11, 8, 12-13, 16, 6-7, 14-15, 17-27 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

TUAN V. THAI
PRIMARY EXAMINER

Application/Control Number: 10/027,330

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Attorney's Docket No.: 112056-0008

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In re application of: Coatney et al. **Group:** 2186
Serial No.: 10/027,330 **Examiner:** Tuan Thai
For: ***SYSTEM AND METHOD FOR STORING STORAGE OPERATING SYSTEM
DATA IN SWITCH PORTS.***

1. This action is responsive to amendment filed June 02, 2006. Claims 2-4, 7-8, 10-16, 37-45 and 51-56 are presented for examination and are now allowed. Claims 1, 5-6, 9, 17-36, 46-50 and 57 have been previously canceled.

2. This application is in condition for allowance except for the presence of claims 58-71 which are directed to an invention that is independent or distinct from the invention originally claimed (see previous action) and being nonelected without traverse. Accordingly, claims 58-71 have been canceled.

3. The rejection of claims 2-4, 7-8, 16, 37-38, 41-45 and 51-55 under 35 U.S.C. 112, second paragraph is withdrawn due to the amendment filed June 02, 2006.

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EXAMINER'S AMENDMENT

4. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

5. The application has been amended as follows:

a. In the claims:

al. **Cancel claims 58-71.**

REASONS FOR ALLOWANCE

6. The following is an Examiner's Statement of Reasons for Allowance:

The prior arts of record do not teach nor suggest, *either alone or in combination*, **all** the limitations of the amended claims (claims 7, 13, 16, 41, 51 and 56) of the current invention. Claims 7 and 41 reference a "method for storing and distributing data in a network storage"; claim 13 references "a network storage system"; claim 16 references a "computer-readable medium with program instructions executing on a file server for storing and distributing data in a network storage system",

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(similarly for claim 56); claim 51 references "an apparatus for storing and distributing data in a network storage system". The discussion of the reasons for allowance shall be directed to claim 7 in which the Examiner shall designate as the primary invention in this application; however, the reasons for allowance will also apply to all other indicated independent claims. The prior arts of record do not teach nor suggest writing a set of data to a memory associated with a port of one of the one or more switches, reading the set of data from the memory; including one or more disks that are offline and inaccessible to any of the plurality devices in the set of data identification, and particularly, the prior arts of record do not teach including the disk identification string indicating a name of a switch, a port number on the switch, and a disk number in the set of data a disk identification string. In light of the foregoing, claim 7 (similarly for claims 13, 16, 41, 51 and 56) of the present application are found to be patentable over the prior arts. Claims 2-4, 5-7, 9-15, 18-21 and 23-27 further limit the allowable independent claims. These claims are therefore allowable for the same reason as set forth above.

Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on

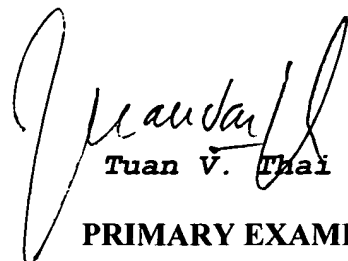
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Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-4187. The examiner can normally be reached on from 6:30 A.M. to 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/August 18, 2006



Tuan V. Thai

PRIMARY EXAMINER

Group 2100